

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 17, 2001

DIVISION TWO

B135360 Novaquest Infosystems et al. (Not for Publication)
 v.
 En Pointe Technologies, Inc., et al.

The denial of the motion for judgment notwithstanding the verdict with respect to the tort causes of action is affirmed and judgment as to the tort causes of action is affirmed. The judgment in favor of respondents on the contract cause of action is reversed. The matter is remanded to the trial court for a redetermination of the prevailing party and amount of attorneys fees in light of this opinion. Each side is to bear their own costs and attorneys fees on appeal.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B147082 City of Los Angeles (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Paz, r.p.i.)

The Court:

Let a peremptory writ of mandate issue in the first instance directing the respondent court to: (1) vacate the order denying City's motion for judgment on the pleading; and (2) enter an order granting the motion. The stay issued by this court is lifted. No costs are awarded in this proceeding.

Klein, P.J., Croskey, J., Aldrich, J.

DIVISION THREE (Continued)

[illegible]

The superior court's order setting aside the information and dismissing the case is reversed. The matter is remanded for further proceedings consistent with this opinion.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B134368 Saldanha et al. (Not for Publication)
v.
Dorr et al.

The judgment is affirmed. The order awarding attorney's fees and taxing costs is affirmed. All parties to bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FIVE

B143474 Videotape Plus, Inc., et al.
v.
Vincent J. Lyons et al.

Filed order certifying opinion for publication.

May 17, 2001-Continued

DIVISION FIVE (Continued)

B145474 People (Not for Publication)
v.
Julio C. Torres

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B143417 People (Not for Publication)
v.
Mynor Gustavo M.

The trial court's orders are affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B141419 Dada Hassine (Not for Publication)
v.
Jerome Friedman et al.

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B141327 Naum Shekhter (Certified for Partial Publication)
v.
Financial Indemnity Company et al.

The order denying the Code of Civil Procedure section 425.16 motions brought by Allstate Insurance Company, Financial Indemnity Company, Dennis B. Kass, and Manning & Marder, Kass, Ellrod, Ramirez, is reversed. On remand, the trial court is directed to enter a new order granting Allstate Insurance Company's motion to strike the third amended cross-complaint pursuant to Code of Civil Procedure section 425.16. Further, the trial court is to grant the special motion to strike of Financial Indemnity Company, Dennis B. Kass, and Manning & Marder, Kass, Ellrod, Ramirez as to the tenth cause of action of the third amended cross-complaint pursuant to Code of Civil Procedure section 425.16. Further, the trial court is to consider and rule upon the attorneys fees requests of Allstate Insurance Company, Financial Indemnity Company, Dennis B. Kass, and Manning & Marder, Kass, Ellrod, Ramirez including those incurred on appeal pursuant to Code of Civil Procedure section 425.16, subdivision (c). The order compelling arbitration of the third (as to Financial Indemnity Company) and fourth (as to Dennis B. Kass and Manning & Marder, Kass, Ellrod, Ramirez) causes of action of the third amended cross-complaint is reversed only insofar as it refused enforcement of the damages limitation in the arbitration agreement; in all other respects it is affirmed. On remand, the trial court is directed to afford the parties a reasonable opportunity to present evidence as required by Civil Code section 1670.5, subdivision (b). Finally, the cross-defendants shall recover their costs on appeal from Naum "Neil" Shekhter, the amount of which shall be determined by the trial court.

Turner, P.J.

We concur: Grignon, J.
Willhite, J. (Assigned)